

Biological Resources

Chapter 3.4

SUMMARY OF FINDINGS

A biological evaluation of the Project site was conducted by Live Oaks Associates, Inc. in November, 2012. The report concluded that the commercial site had been heavily altered by human activities and no longer provides suitable habitat for locally occurring special status species. Because such species would not occur on the Project site, they will not be impacted by the proposed Project. Therefore, it is determined that impacts on biological resources due to the proposed Project are less than significant without mitigation.

INTRODUCTION

California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) for the Project meets CEQA requirements by addressing potential impacts to biological resources on the proposed Project site, which is located in a portion of the San Joaquin Valley in Tulare County. The “Environmental Setting” section provides a description of biological resources in the region, with special emphasis on the proposed Project site and vicinity. The “Regulatory Setting” provides a description of applicable State and Local regulatory policies. A description of the potential impacts of the proposed Project is also provided and includes the identification of feasible mitigation to avoid or lessen the impacts.

Thresholds of Significance

The geographical area may be either statewide or nationwide, depending on the sensitive status of the species. Standards for listing as federal endangered species are determined by the Federal Endangered Species Act, administered by U.S. Department of Fish and Wildlife. Standards for listing of California special status species (Endangered, Threatened, Candidate Endangered, Candidate Threatened, and Sensitive Species) are administered by the California Department of Fish and Wildlife (DFW). These requirements are described in further detail in the “Regulatory” section of this document.

ENVIRONMENTAL SETTING

“Tulare County... is located in a geographically diverse region with the majestic peaks of the Sierra Nevada framing its eastern region, while its western portion includes the San Joaquin valley floor, which is very fertile and extensively cultivated. Tulare County is the second-leading agricultural-producing county in the U.S. Fresno County is currently (2004) the top producer. In addition to its agricultural production, the county’s economic base also includes agricultural packing and shipping operations.”¹

“This area has a Mediterranean climate, with dry, hot summers with daytime temperatures commonly exceeding 90° Fahrenheit. Winters are rainy and cool with daytime temperatures rarely exceeding 65° Fahrenheit. Annual precipitation in the general vicinity of the project site is highly variable from year to year with a mean annual rainfall of approximately 12 inches, most of which falls between the months of October and March. Virtually all precipitation falls in the form of rain. Stormwater mostly runs off onsite hardscapes and is collected in the onsite drainage basins. In areas where soils are exposed, rainwater may infiltrate onsite soils to some degree, despite the compacted nature of these soils.”²

The native vegetation of the Valley is predominately characterized by the purple needlegrass series, valley oak series, vernal pools and wetland communities, and blue oak series. Fauna associated with this section include mule deer (*Odocoileus hemionus*), black-tailed deer (*Odocoileus hemionus columbianus*), coyotes (*Canis latrans*), white-tailed jackrabbits (*Lepus townsendii*), kangaroo rats (*Dipodomys ingens*), kit fox (*Vulpes macrotis*), and muskrats (*Ondatra zibethicus*). Birds include waterfowl, hawks, golden eagles (*Aquila chrysaetos*), owls, white-tailed kites (*Elanus leucurus*), herons, western meadowlark (*Sturnella neglecta*) and California quail (*Callipepla californica*).³

The Project site is located in Tulare County approximately 1.3 miles east of the City of Tulare. The site is relatively level, with an elevation of approximately 315 feet National Geodetic Vertical Datum (NGVD). The existing operation is permitted to compost green material, food, and dairy manure (PSP 92-091).

The Project site is zoned AE-40 (Exclusive agriculture, 40 acre minimum), as are nearby properties. Surrounding agricultural lands consisting of citrus orchards, row crops, and other farmed lands. There are scattered rural residences less than 1 mile south and east of the site, and a commercial fruit packing plant approximately 0.4 miles northeast of the facility.

A biological assessment of the Project site was conducted by Live Oaks Associates in November, 2012. Results of the field survey and database searches were summarized in a Live Oak Associates report, “Harvest Power Tulare Project Biological Evaluation, Tulare County, California (November 30, 2012).”⁴ The study surveyed the Project site and vicinity for biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that

¹ General Plan Background Report, page 1-2

² Live Oak Associates, Biological Report, page 4

³ General Plan Background Report, page 9-10

⁴ Live Oak Associates, Biological Report, page 4

may be protected by State and Federal law. The report noted that, because the Project site is heavily disturbed, vegetation was absent from approximately 99% of the Project site. The existing vegetation was located primarily around the man-made detention basin, and consisted of a few wetland species and upland species, listed in Appendices of the Live Oak Associates report. The Live Oak Associates study also included results of database and literature searches to determine which sensitive plant or animal species might potentially use the site. A comprehensive list of observed and potential plant and animal species is included in the Live Oak Associates report. Based on the highly disturbed nature of the site, the report concluded that the site no longer provides suitable habitat for locally occurring special status plant and animal species.⁵

REGULATORY SETTING

Applicable Federal, State, and Local regulations specific to biological resources are described below. The following environmental regulatory settings were summarized, in part, from information contained in the Tulare County General Plan 2010 Background Report.

Federal Agencies & Regulations

Federal Endangered Species Act

“The U.S. Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (16 USC Section 153 et seq.) and thereby has jurisdiction over federally listed threatened, endangered, and proposed species. Projects that may result in a “take” of a listed species or critical habitat must consult with the USFWS. “Take” is broadly defined as harassment, harm, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collection; any attempt to engage in such conduct; or destruction of habitat that prevents an endangered species from recovering (16 USC 1532, 50 CFR 17.3). Federal agencies that propose, fund, or must issue a permit for a project that may affect a listed species or critical habitat are required to consult with the USFWS under Section 7 of the Federal Endangered Species Act. If it is determined that a federally listed species or critical habitat may be adversely affected by the federal action, the USFWS will issue a “Biological Opinion” to the federal agency that describes minimization and avoidance measures that must be implemented as part of the federal action. Projects that do not have a federal nexus must apply for a take permit under Section 10 of the Act. Section 10 of the Act requires that the project applicant prepare a habitat conservation plan as part of the permit application (16 USC 1539).”⁶

“Under Section 4 of the Federal Endangered Species Act, a species can be removed, or delisted, from the list of threatened and endangered species. Delisting is a formal action made by the USFWS and is the result of a determined successful recovery of a species. This action requires

⁵ Live Oak Associates, Biological Report, pages. 4, 6-8, 10-13, 24-28

⁶ Tulare County 2030 General Plan RDEIR, page 3.11-1

posts in the federal registry and a public comment period before a final determination is made by the USFWS.”⁷

Habitat Conservation Plans

“Habitat Conservation Plans (HCPs) are required for a non-federal entity that has requested a take permit of a federal listed species or critical habitat under Section 10 of the Endangered Species Act. HCPs are designed to offset harmful effects of a proposed project on federally listed species. These plans are utilized to achieve long-term biological and regulatory goals. Implementation of HCPs allows development and projects to occur while providing conservation measures that protect federally listed species or their critical habitat and offset the incidental take of a proposed project. HCPs substantially reduce the burden of the Endangered Species Act on small landowners by providing efficient mechanisms for compliance with the ESA, thereby distributing the economic and logistic effects of compliance. A broad range of landowner activities can be legally protected under these plans (County of Tulare, 2010 Background Report, pages 9-6 and 9-7, 2010a). There are generally two types of HCPs, project specific HCPs which typically protect a few species and have a short duration and multi-species HCPs which typically cover the development of a larger area and have a longer duration.”⁸

There are two habitat conservation plans that apply in Tulare County: The Kern Water Habitat Conservation Plan, which applies to an area in Allensworth; and the U.S. Fish and Wildlife’s “The Recovery Plan for Upland Species in the San Joaquin Valley,” which includes sensitive species in the San Joaquin Valley, several of which may be found in Tulare County.

Migratory Bird Treaty and Bald and Golden Eagle Protection Act

“The Migratory Bird Treaty Act (MBTA, 16 USC Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668) protect certain species of birds from direct “take”. The MBTA protects migrant bird species from take by setting hunting limits and seasons and protecting occupied nests and eggs. The Bald and Golden Eagle Protection Act (16 USC Sections 668-668d) prohibits the take or commerce of any part of Bald and Golden Eagles. The USFWS administers both acts, and reviews federal agency actions that may affect species protected by the acts.”⁹

Clean Water Act - Section 404

“Wetlands and other waters of the U.S. are subject to the jurisdiction of the U.S. Army Corp of Engineers (USACE) and U.S. Environmental Protection Agency (EPA) under Section 404 of the Clean Water Act (33 U.S.C. 1251 et seq., 1972). Together, the EPA and the USACE determine whether they have jurisdiction over the non-navigable tributaries that are not relatively permanent based on a fact-specific analysis to determine if there is a significant nexus. These non-navigable tributaries include wetlands adjacent to non-navigable tributaries that are not relatively permanent

⁷ Ibid.

⁸ Ibid., page 3.11-2

⁹ Ibid.

and wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary.”¹⁰

“Wet areas that are not regulated by this Act do not have a hydrologic link to other waters of the U.S., either through surface or subsurface flow and include ditches that drain uplands, swales or other erosional features. The USACE has the authority to issue a permit for any discharge, fill, or dredge of wetlands on a case-by-case basis, or by a general permit. General permits are handled through a Nationwide Permit (NWP) process. These permits allow specific activities that generally create minimal environmental effects. Projects that qualify under the NWP program must fulfill several general and specific conditions under each applicable NWP. If a proposed project cannot meet the conditions of each applicable NWP, an individual permit would likely be required from the USACE.”¹¹

State Agencies & Regulations

California Department of Fish and Wildlife (formerly Dept. of Fish and Game)

The California Department of Fish and Wildlife (DFW) regulates the modification of the bed, bank, or channel of a waterway under Sections 1601-1607 of the California Fish and Game Code. Also included are modifications that divert, obstruct, or change the natural flow of a waterway. Any party who proposes an activity that may modify a feature regulated by the Fish and Game Code must notify DFW before project construction. DFW will then decide whether to enter into a Streambed Alteration Agreement with the project applicant either under Section 1601 (for public entities) or Section 1603 (for private entities) of the Fish and Game Code.

California Endangered Species Act

DFW administers the California Endangered Species Act of 1984 (Fish and Game Code Section 2080), which regulates the listing and “take” of endangered and threatened State-listed species. A “take” may be permitted by California Department of Fish and Game through implementing a management agreement. “Take” is defined by the California Endangered Species Act as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” a State-listed species (Fish and Game Code Sec. 86). Under State laws, DFW is empowered to review projects for their potential impacts to State-listed species and their habitats.

The DFW maintains lists for Candidate-Endangered Species (SCE) and Candidate-Threatened Species (SCT). California candidate species are afforded the same level of protection as State-listed species. California also designates Species of Special Concern (CSC) that are species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. These species do not have the same legal protection as listed species, but may be added to official lists in the future. The CSC list is intended by DFW as a

¹⁰ Ibid., pages 3.11-1 and 3.11-2

¹¹ Ibid.

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management tool for consideration in future land use decisions (Fish and Game Code Section 2080).¹²

All State lead agencies must consult with DFW under the California Endangered Species Act when a proposed project may affect State-listed species. DFW would determine if a project under review would jeopardize or result in taking of a State-listed species, or destroy or adversely modify its essential habitat, also known as a “jeopardy finding” (Fish and Game Code Sec. 2090). For projects where DFW has made a jeopardy finding, DFW must specify reasonable and prudent alternatives to the proposed project to the State lead agency (Fish and Game Code Sec. 2090 et seq.).¹³

Natural Communities Conservation Planning Act

The Natural Communities Conservation Planning Act allows a process for developing natural community conservation plans (NCCPs) under DFW direction. NCCPs allow for regional protection of wildlife diversity, while allowing compatible development. DFW may permit takings of State-listed species whose conservation and management are provided in a NCCP, once a NCCP is prepared (Fish and Game Code Secs. 2800 et seq.).¹⁴

Federally and State-Protected Lands

Ownership of California’s wildlands is divided primarily between federal, state, and private entities. State-owned land is managed under the leadership of the Departments of Fish and Game (DFW), Parks and Recreation, and Forestry and Fire Protection (CDF). Tulare County has protected lands in the form of wildlife refuges, national parks, and other lands that have large limitations on appropriate land uses. Some areas are created to protect special status species and their ecosystems.¹⁵

California Wetlands Conservation Policy

The California Wetlands Conservation Policy’s goal is to establish a policy framework and strategy that will ensure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California. Additionally, the policy aims to reduce procedural complexity in the administration of State and federal wetlands conservation programs and to encourage partnerships with a primary focus on landowner incentive programs and cooperative planning efforts. These objectives are achieved through three policy means: statewide policy initiatives, three geographically based regional strategies in which wetland programs can be implemented, and creation of interagency wetlands task force to direct and coordinate administration and implementation of the policy. Leading agencies include the Resources Agency and the California Environmental Protection Agency (Cal/EPA) in cooperation with Business, Transportation and Housing Agency, Department of Flood and Agriculture, Trade and Commerce Agency, Governor’s Office of Planning and Research,

¹² Ibid., pages 9-7 and 9-8

¹³ Ibid., page 9-8

¹⁴ Ibid.

¹⁵ Ibid., page 9-9

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Department of Fish and Game, Department of Water Resources, and the State Water Resources Control Board.¹⁶

Birds of Prey

Birds of prey are also protected in California under provisions of the State Fish and Game Code, Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the DFW.¹⁷

Special Status Species

“Several species of plants and animals within the state of California have low populations and/or limited distributions. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and federal laws have provided the DFW and the USFWS with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as “threatened” or “endangered” under state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as “species of special concern” by the DFW. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered (CNPS 2012). Collectively, these plants and animals are referred to as “special status species.”¹⁸

Sensitive Species Significance Criteria

“Whenever possible, public agencies are required to avoid or minimize environmental impacts by implementing practical alternatives or mitigation measures. According to Section 15382 of the CEQA Guidelines, a significant effect on the environment means a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic interest.”¹⁹

“Specific project impacts to biological resources may be considered “significant” if they would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

¹⁶ Ibid.

¹⁷ Live Oak Associates, Biological Report, page 1

¹⁸ Ibid., pages 7 and 8

¹⁹ Ibid., page 15

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- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.”²⁰

“Furthermore, CEQA Guidelines Section 15065(a) states that a project may trigger the requirement to make “mandatory findings of significance” if the project has the potential to:

“Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.”²¹

CEQA Statute Section 21083.4. Counties; Conversion of Oak Woodlands; Mitigation Alternatives:

(a) “For purposes of this section, “oak” means a native tree species in the genus *Quercus*, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.”

(b) “...a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the...[listed] oak woodlands mitigation alternatives...”

²⁰ Ibid., page 16

²¹ Ibid.

Local Policy & Regulations

Tulare County General Plan Policies

“The preservation of sensitive habitats is a key goal of the General Plan 2030 Update, with ERM-1 Goal “To preserve and protect sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.” The General Plan Update includes a number of policies in the Environmental Resources Management Element which support this goal. Key policies that are relevant to the proposed Project include ERM-1.1, 1.2, 1.4, 1.6, 1.7, 1.16 and 1.17.²²

ERM-1.1 Protection of Rare and Endangered Species

The County shall ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government, through compatible land use development.

ERM-1.2 Development in Environmentally Sensitive Areas

The County shall limit or modify proposed development within areas that contain sensitive habitat for special status species and direct development into less significant habitat areas. Development in natural habitats shall be controlled so as to minimize erosion and maximize beneficial vegetative growth.

ERM-1.4 Protect Riparian Areas

The County shall protect riparian areas through habitat preservation, designation as open space or recreational land uses, bank stabilization, and development controls.

ERM-1.6 Management of Wetlands

The County shall support the preservation and management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats.

ERM-1.7 Planting of Native Vegetation

The County shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation and wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained.

ERM-1.12 Management of Oak Woodland Communities

The County shall support the conservation and management of oak woodland communities and their habitats.

ERM-1.16 Cooperate with Wildlife Agencies

The County shall cooperate with State and federal wildlife agencies to address linkages between habitat areas.

²² Tulare County 2030 General Plan, Goals and Policies Report, page 8-9

ERM-1.17 Conservation Plan Coordination

The County shall coordinate with local, State, and federal habitat conservation planning efforts (including Section 10 Habitat Conservation Plan) to protect critical habitat areas that support endangered species and other special-status species.

IMPACT EVALUATION

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Project Impact Analysis: ***Less than Significant Impact***

Existing Site Conditions

“On November 16, 2012, LOA [Live Oak Associates] biologist Jeff Gurule surveyed the site for biotic habitats, the plants and animals occurring in those habitats, and significant habitat values that may be protected by state and federal law.”²³ The report noted that the intensive commercial land uses on the site have resulted in all lands of the project site having been disturbed, with the result that vegetation was absent from approximately 99% of the project site. The only vegetation observed onsite included a few wetland species within the detention basin and inundated waterhole, some weedy upland species along portions of the fence, and “a few scraggly landscape trees and shrubs.”²⁴

Existing or Potential On-Site Species

The plant species observed or potentially occurring on the Harvest-Tulare project site during the November 16, 2012 site visit included the following:

“Wetland species observed in the detention basin consisted solely of salt heliotrope (*Heliotropium curassavicum*). Wetland vegetation observed in and around the waterhole consisted of floating water primrose (*Ludwigia peploides*) and watergrass (*Echinochloa crus-galli*). Upland species observed along portions of the fence line included Canada horseweed (*Erigeron canadensis*), nettle leaf goosefoot (*Chenopodium murale*), pigweed amaranth (*Amaranthus albus*), Russian thistle (*salsola tragus*), and Bermuda grass (*Cynodon dactylon*), among others. Sparse landscape vegetation consisted of a small mulberry tree (*Morus alba*) and prickly pear cactus (*Opuntia sp.*), in addition to several unknown horticultural shrubs.”²⁵

²³ Live Oak Associates, Biological Report, page i

²⁴ Ibid., page 6

²⁵ Ibid.

“The number of native animal species expected to utilize the project site is very small due to the extremely small amount of vegetation and ongoing commercial activity on the site. Amphibians using this habitat would be limited to species tolerant of human activities. Pacific chorus frogs (*Pseudacris regilla*) may occur in or around the drainage basin or waterhole. Reptile species are expected to be essentially absent from the site due to the heavy human use of the site.” Species potentially occurring in the project vicinity that may at times wander onto the project site include the western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis melanoleucus*), and common kingsnake (*Lampropeltis getulus*). The site provides very little foraging and cover habitat for avian species. However, year-round resident birds such as the killdeer (*Charadrius vociferus*), rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), black phoebe (*Sayornis nigricans*), house sparrow (*Passer domesticus*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), and house finch (*Carpodacus mexicanus*) could be expected to use the site from time to time. Two winter migrants, the white-crowned sparrow (*Zonotrichia leucophrys*) and yellow-rumped warbler (*Dendroica coronata*), were observed on the site during the field survey. The western kingbird (*Tyrannus verticalis*) is a common summer migrant to agricultural lands of the region that may occasionally use portions of the site for foraging.”²⁶

“Mammalian use of the site is expected to be severely limited by existing fencing and the lack of vegetation over much of the site. Rodents such as house mice (*Mus musculus*) and black rat (*Rattus rattus*) are likely attracted to refuse piles, as are raccoons (*Procyon lotor*). A few California ground squirrel (*Otospermophilus beecheyi*) burrows were found in the detention basin bank. Various bat species may forage over the site.”²⁷

A list of vascular plants observed on the project site, along with the US Fish and Wildlife Service wetland indicator status of each species, is included as Live Oak Associates Appendix A.²⁸ A list of the terrestrial vertebrate species that could potentially occur on the project site is included as Live Oak Associates Biological Report Appendix B.²⁹

Potential for Harvest-Tulare Project Site Special Status Species

The Live Oak Associates report identified potential special status species which might occur onsite or in the project vicinity, listed in Table 1 of the report, reproduced below. Sources of information used in their research included: California’s Wildlife, Volumes I, II, and III (Zeiner et. Al 1988-1990), California Natural Diversity Database (CDFW 2012), Endangered and Threatened Wildlife and Plants (USFWS 2012), Annual Report on the Status of California State Listed Threatened and Endangered Animals and Plants (CDFW 2011), and The California Native Plant Society’s Inventory of Rare and Endangered Vascular Plants of California (CNPS 2012).

²⁶ Live Oak Associates, Biological Report, pages 6 and 7

²⁷ Ibid., page 7

²⁸ Ibid., page 24

²⁹ Ibid., pages 26 to 28



All special status species that could occur in the project vicinity and on the project site have been identified by Live Oak Associate and are listed in Table 3.4-1. These include nine special status plant species. Two of plant species listed as threatened or endangered under the State or Federal Endangered Species Act: California Jewel-Flower and San Joaquin Adobe Sunburst. Seven additional special status species are listed by the CNPS: Heartscale, Earlimart Orache, Brittsescale, Lesser Saltscall, Subtle Orache, Recurved Larkspur, and Spiny-Sepaled Button Celery. Live Oak Associates' report evaluated the required habitat for all of these species and determined that the Harvest-Tulare project site habitat and/or soils are unsuitable for all of the special status plants to occur on the project site.

Twenty special status animal species that could occur in the project vicinity are listed in Table 3.4-1. Eight of these are species listed as threatened or endangered under the State and/or Federal Endangered Species Act. These are: Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Valley Elderberry Longhorn Beetle, California Tiger Salamander, Blunt-Nosed Leopard Lizard, Swainson's Hawk, Tipton Kangaroo Rat, and the San Joaquin Kit Fox. Live Oaks Associates determined that the project site provided unsuitable habitat for all of the above species with the possible exception of the Swainson's Hawk, listed as "Unlikely" to occur on the project site, based on the absence of suitable foraging and nesting habitat. The species might, however, occasionally pass over the site while foraging or during migration. The nearest recorded CNDDDB 2012 recorded observation of the species is 3.4 miles to the southeast.³¹

Twelve additional animal species listed as State Species of Special Concern could potentially occur in the project vicinity include: Western Spadefoot Toad, Western Pond Turtle, Northern Harrier (nesting), White-tailed Kite (nesting), Mountain Plover, Burrowing Owl, and Loggerhead Shrike, Tricolored Blackbird, Pallid Bat, Townsend's Western Big-Eared Bat, Western Mastiff Bat, and American Badger. Five of these species are listed as "Absent" from the site due to unfavorable habitat. Four species (Tricolored Blackbird, Pallid Bat, Townsend's Western Big-Eared Bat and Western Mastiff Bat) are listed as "Possible" for occurrence on the project site, because they might potentially forage over the project site (but nesting habitat is absent). An additional three species (Northern Harrier, White-tailed Kite and Loggerhead Shrike) are determined to be "Unlikely" to occur on the site because, while they might occasionally pass over the site while foraging or during migration, the project site does not provide the necessary habitat for nesting or foraging of these species.³²

³¹ Ibid., page 11

³² Ibid., pages 11 to 13

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Table 3.4-1
List of Special Status Species that could occur in the project vicinity

PLANTS (adapted from CDFW 2012 and CNPS 2012)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

| Species | Status | Habitat | *Occurrence on the Project Site |
|--|--------------------|--|---|
| California Jewel-Flower (<i>Caulanthus californicus</i>) | FE, CE, CNPS 1B | Chenopod scrub and valley and foothill grassland. Blooms February-May. | Absent. Habitats required by this species do not occur onsite. |
| San Joaquin Adobe Sunburst (<i>Pseudobahia peirsonii</i>) | FT, CE, CNPS 1B | Occurs in grasslands of the western foothills of the Sierra Nevada in heavy clay soils of the Porterville, Cibo, Mt. Olive and Centerville series. Blooms March-April. | Absent. The habitat and soils occurring on project site are unsuitable for this species. |

Other special status plants listed by CNPS

| Species | Status | Habitat | *Occurrence on the Project Site |
|--|-----------|--|---|
| Heartscale (<i>Atriplex cordulata</i> var. <i>cordulata</i>) | CNPS 1B | Occurs in cismontane woodland and valley and foothill grassland of the San Joaquin Valley; blooms April–October. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Earlimart orache (<i>Atriplex cordulata</i> var. <i>erecticaulis</i>) | CNPS 1B | Occurs in valley and foothill grasslands between 131 and 328 feet. Blooms Aug.-Sep. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Brittlescale (<i>Atriplex depressa</i>) | CNPS 1B.2 | Occurs in relatively barren areas with alkaline clay soils in chenopod scrub, playas, valley grasslands, and vernal pools of the Central Valley. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Lesser Saltscale (<i>Atriplex minuscula</i>) | CNPS 1B | Occurs in cismontane woodland and valley and foothill grassland of the San Joaquin Valley; blooms May–October. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Subtle Orache (<i>Atriplex subtilis</i>) | CNPS 1B | Occurs in valley and foothill grasslands of the San Joaquin Valley. Blooms August–October. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Recurved Larkspur (<i>Delphinium recurvatum</i>) | CNPS 1B | Chenopod scrub, cismontane woodlands, and alkaline soils of valley and foothill grasslands. Blooms March–May. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Spiny-Sepaled Button Celery (<i>Eryngium spinosepalum</i>) | CNPS 1B | Vernal pools and wetland swales of Fresno and Tulare Counties. Blooms in April–May | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |

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ANIMALS (adapted from CDFW 2012 and USFWS 2012)

Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Act

| Species | Status | Habitat | *Occurrence on the Project Site |
|---|------------|---|---|
| Vernal Pool Fairy Shrimp (<i>Branchinecta lynchi</i>) | FT | Vernal pools of California's Central Valley. | Absent. Vernal pools required by this species are absent from the project site. |
| Vernal Pool Tadpole Shrimp (<i>Lepidurus packardii</i>) | FE | Primarily found in vernal pools of California's Central Valley. | Absent. Vernal pool habitat required by this species is absent from the project site. |
| Valley Elderberry Longhorn Beetle (<i>Desmocerus californicus dimorphus</i>) | FT | Mature elderberry shrubs of California's Central Valley and Sierra Foothills. | Absent. Elderberry shrubs, the obligate habitat required by this species, are absent from the project site and surrounding lands. |
| California Tiger Salamander (<i>Ambystoma californiense</i>) | FT, CSC | Found primarily in annual grasslands. Breeds in vernal/seasonal pools or perennial pools which lack fish or bullfrogs. Requires rodent burrows for refuge. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. Breeding pools required by this species are absent from the project site and surrounding land. Furthermore, the project site is well south of this species' known range (CNDDB 2012). |
| Blunt-Nosed Leopard Lizard (<i>Gambelia silus</i>) | FE, CE, CP | Frequents grasslands, alkali meadows and chenopod scrub of the San Joaquin Valley. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Swainson's Hawk (<i>Buteo swainsoni</i>) | CT | Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah. Requires adjacent suitable foraging areas such as grasslands or alfalfa fields supporting rodent populations. | Unlikely. At most this species may occasionally pass over the site while foraging or during migration. Suitable foraging and nesting habitat is absent from the project site. The nearest recorded observation is approximately 3.4 miles to the southeast (CNDDB 2012). |
| Tipton Kangaroo Rat (<i>Dipodomys nitratoideis nitratoideis</i>) | FE, CE | Chenopod scrub and alkali grasslands of the Tulare Basin from Fresno County in the north to Kern County in the south. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>) | FE, CT | Frequents desert alkali scrub and annual grasslands and may forage in adjacent agricultural habitats. Utilizes enlarged (4 to 10 inches in diameter) ground squirrel burrows as denning habitat. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |

State Species of Special Concern

| Species | Status | Habitat | *Occurrence on the Project Site |
|--|--------|--|---|
| Western Spadefoot (<i>Spea hammondi</i>) | CSC | Primarily occurs in grasslands, but also occurs in valley and foothill hardwood woodlands. Requires vernal pools or other temporary wetlands for breeding. | Absent. Vernal pools required by this species are absent from the project site and surrounding lands. |
| Western Pond Turtle (<i>Emys marmorata</i>) | CSC | Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites of sandy banks or grassy open fields for egg | Absent. Aquatic habitat in the form of the onsite retention basin and watering hole provide unsuitable habitat for this species. |

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| | | laying. | |
| Northern Harrier (nesting) (<i>Circus cyaneus</i>) | CSC | Frequents meadows, grasslands, open rangelands, freshwater emergent wetlands; uncommon in wooded habitats. | Unlikely. At most this species may occasionally pass over the site while foraging or during migration. Intensive commercial activity on the site has eliminated foraging opportunity for this species. Nesting habitat is absent from the project site. |
| White-tailed Kite (nesting) (<i>Elanus leucurus</i>) | FP | Open grasslands and agricultural areas throughout central California. | Unlikely. At most this species may occasionally pass over the site while foraging or during migration. Intensive commercial activity on the site has eliminated foraging opportunity for this species. Continual human disturbance of the site has also eliminated the likelihood of this species nesting in adjacent trees. |
| Mountain Plover (<i>Charadrius montanus</i>) | CSC | Forages in short grasslands and freshly plowed fields of the Central Valley. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. This species has not been documented in this portion of Tulare County. |
| Burrowing Owl (<i>Athene cunicularia</i>) | CSC | Frequents open, dry annual or perennial grasslands, deserts, and scrublands characterized by low growing vegetation. Dependent upon burrowing mammals, most notably the California ground squirrel, for nest burrows. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |
| Loggerhead Shrike (<i>Lanius ludovicianus</i>) | CSC | Frequents open habitats with sparse shrubs and trees, other suitable perches, bare ground, and low herbaceous cover. Can often be found in cropland. | Unlikely. At most this species may occasionally pass over the site while foraging or during migration. Intensive commercial activity on the site has eliminated foraging opportunity for this species. Continual human disturbance of the site has also eliminated the likelihood of this species nesting in adjacent trees. |

State Species of Special Concern

| Species | Status | Habitat | *Occurrence on the Project Site |
|---|--------|---|---|
| Tricolored Blackbird (<i>Agelaius tricolor</i>) | CSC | Breeds near fresh water, primarily emergent wetlands, with tall thickets. Forages in grassland and cropland habitats. | Possible. The site provides possible foraging habitat; breeding habitat is absent. |
| Pallid Bat (<i>Antrozous pallidus</i>) | CSC | Roosts in rocky outcrops, cliffs, and crevices with access to open habitats for foraging. May also roost in caves, mines, hollow trees and buildings. | Possible. This species may forage over the site; roosting habitat is absent. |
| Townsend's Western Big-Eared Bat (<i>Corynorhinus townsendii</i>) | CSC | Primarily a cave-dwelling bat that may also roost in buildings. Occurs in a variety of habitats. | Possible. This species may forage over the site; roosting habitat is absent. |
| Western Mastiff Bat (<i>Eumops perotis</i> ssp. <i>californicus</i>) | CSC | Frequents open, semi-arid to arid habitats, including conifer, and deciduous woodlands, coastal scrub, grasslands, palm oasis, | Possible. This species may forage over the site; roosting habitat is absent. |

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| | | chaparral and urban. Roosts in cliff faces, high buildings, trees and tunnels. | |
| American Badger (<i>Taxidea taxus</i>) | CSC | Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils. | Absent. Historic and current commercial use of the site has rendered it unsuitable for this species. |

Source: Live Oak Associates Biological Report

*Explanation of Occurrence Designations and Status Codes

Present: Species observed on the sites at time of field surveys or during recent past.

Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.

Possible: Species not observed on the sites, but it could occur there from time to time.

Unlikely: Species not observed on the sites, and would not be expected to occur there except, perhaps, as a transient.

Absent: Species not observed on the sites, and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE Federally Endangered
FT Federally Threatened
FPE Federally Endangered (Proposed)
FC Federal Candidate

CE California Endangered
CT California Threatened
CR California Rare
CP California Protected
CSC California Species of Special Concern

CNPS California Native Plant Society Listing
1A Plants Presumed Extinct in California
1B Plants Rare, Threatened, or Endangered in California and elsewhere
2 Plants Rare, Threatened, or Endangered in California, but more common elsewhere

3 Plants about which we need more information – a review list
4 Plants of limited distribution – a watch list

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The Live Oak Associates report concluded that potentially significant impacts to biological resources due to the proposed Project are absent, because the current level of site disturbance has rendered the site unsuitable for all but the most disturbance-tolerant plant and animal species. Specifically, there are:

- No impacts on special status plant species, since the current Project site does not provide habitat that would allow these species to survive on site. No mitigation measures are warranted.³³
- No impacts due to disturbance to migratory bird nests, since native bird species are not expected to nest on site and are not expected to be adversely impacted by the proposed Project. No mitigation measures are warranted.³⁴
- No impacts due to loss of habitat or direct impact to special status animal species categorized as “absent” or “unlikely” to occur on the Project site. No mitigation measures are warranted.³⁵
- No impacts due to loss of breeding, nesting, roosting, or denning habitat for special status animals, since the current project site lacks required habitats for special status species. No mitigation measures are warranted.³⁶
- Limited impacts due to loss of foraging habitat for the four Special Status Animals that may occur onsite as occasional or regular foragers. The project site does not provide regionally important foraging habitat for these species, and much more suitable habitats are abundant throughout the region. Therefore, the proposed Project would not significantly reduce the amount or quality of foraging habitat currently available on the site. The loss of foraging habitat for special status animals is considered a less than significant impact. In addition, the proposed Project will not result in direct harm to individuals of these species. Therefore, no mitigation measures are warranted.³⁷

Cumulative Impact Analysis: ***Less than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, sensitive species with similar habitat requirements may exist in other portions of the San Joaquin Valley, and therefore cumulative impacts would extend beyond Tulare County political boundaries.

The Live Oak Associates methodology used to analyze potential impacts on sensitive species in the project area included a reconnaissance-level field survey and several database and literature searches providing site-specific information related to existing biological resources.

³³ Ibid., page 19

³⁴ Ibid.

³⁵ Ibid., page 20

³⁶ Ibid.

³⁷ Ibid., pages 20 and 21

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Based on the disturbed site condition, reasonable inferences were made that it was unlikely that sensitive species would occur onsite. The report included a summary of all state and federal natural resource protection laws that might be relevant to biological impacts of the proposed Project, within the context of CEQA.

The proposed Project will only contribute to cumulative impacts related to this checklist item if project specific impacts were to occur. As the proposed Project does not result in loss of habitat or direct impact to these special status species, no project-related or cumulative impacts will occur.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

No loss of habitat or direct impact to these special status animals will occur; therefore, no mitigations are warranted.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**

Project Impact Analysis: *No Impact*

The Live Oak Associates site evaluation determined that no riparian or other sensitive habitats occur on or adjacent to the proposed Harvest-Tulare Project site.

The USFWS Recovery Plan for Upland Species of the San Joaquin Valley (1998) includes several sensitive species that may occur in Tulare County.³⁸ A few of these are also listed in **Table 3.4-1** list of sensitive species that could occur in the vicinity of the project site. These include two sensitive plant species (California Jewel Flower, Lesser Saltscale) and three animal species (San Joaquin Kit Fox, Tipton Kangaroo Rat, and Blunt-Nosed Leopard Lizard). **Table 3.4-1** notes that while these species could potentially exist in the project vicinity, “historic and current commercial use of the site has rendered it unsuitable for these species.”³⁹

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, sensitive species with similar habitat requirements may exist

³⁸ USFWS Recovery Plan, pages 27, 54, 106, 113, and 122

³⁹ Live Oak Associates, Biological Report, pages 10 and 11

in other portions of the San Joaquin Valley; and therefore, cumulative impacts will extend beyond Tulare County political boundaries.

The Live Oak Associates report analyzed potential impacts on sensitive species and their habitats, including riparian habitats. A reconnaissance-level field survey was performed, and several database and literature searches providing site-specific information related to existing biological resources. Based on the disturbed site condition, reasonable inferences were made that the site did not provide habitat for sensitive species. The report included a summary of all state and federal natural resource protection laws that might be relevant to biological impacts of the proposed Project, within the context of CEQA.

The proposed Project will only contribute to cumulative impacts related to this checklist item if project specific impacts were to occur. As the proposed Project does not result in loss of habitat or direct impact to these special status species, no project-related or cumulative impacts will occur.

Mitigation Measures:

None Required.

Conclusion:

No Impact

No riparian or other sensitive habitats occur on or adjacent to the proposed Project site. Therefore, no mitigation measures are warranted.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Project Impact Analysis:

No Impact

Aquatic and wetland areas on the project site are associated only with the onsite drainage basin and waterhole and are not federally protected wetlands as defined by Section 404 of the Clean Water Act. These are functioning elements of the current project permitted operations. The drainage and waterhole are isolated from any natural drainages and other potential jurisdictional waters.⁴⁰

Cumulative Impact Analysis:

No Impact

The geographic area of this cumulative analysis is the western U.S. While the study area is limited to Tulare County, federally protected wetlands exist in other portions of the U.S., and therefore cumulative impacts will extend beyond Tulare County political boundaries.

⁴⁰ Ibid., page 21

The Live Oak Associates report analyzed potential impacts on federally protected wetlands, including marshes and vernal pools. Live Oak Associates performed a reconnaissance-level field survey and examined several database and literature searches providing site-specific information related to existing biological resources. The only onsite aquatic and wetland areas were associated with the onsite drainage basin and waterhole, both isolated from any natural drainages and other potential jurisdictional waters. Therefore, these areas do not meet the criteria of federally protected wetlands.⁴¹

The proposed Project will only contribute to cumulative impacts related to this checklist item if project specific impacts were to occur. As the proposed Project does not result in loss of habitat or direct impact to these special status species, no project-related or cumulative impacts will occur.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

Since there are no federally protected wetlands on site, there are no project-related impacts and therefore no mitigation measures are required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Project Impact Analysis: *No Impact*

The project site does not serve as a fish or wildlife movement corridor. The existing perimeter chain-link fence will restrict the movement of wildlife through the site.⁴²

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is the San Joaquin Valley. While the study area is limited to Tulare County, corridors for fish and wildlife species with similar habitat requirements may exist in other portions of the San Joaquin Valley, and therefore cumulative impacts will extend beyond Tulare County political boundaries.

The Live Oaks Associates report analyzed potential impacts on habitats for sensitive species, including riparian and wildlife corridors. A reconnaissance-level field survey was performed, and several database and literature searches providing site-specific information related to existing biological resources. Based on the disturbed condition of the site, and the

⁴¹ Ibid.

⁴² Ibid.

fact that the existing site was surrounded by a chain link fence, reasonable inferences were made that the site did not provide corridors for wildlife or fish.⁴³ The report included a summary of all state and federal natural resource protection laws that might be relevant to biological impacts of the proposed Project, within the context of CEQA.

There are no fish or wildlife corridors onsite, and therefore there will be no cumulative impacts.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

Because this project will not result in harmful effects on regional fish or wildlife movements, mitigation measures are not needed.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Project Impact Analysis: *No Impact*

There are no impacts to biological resources, and therefore there is no conflict with local policies or ordinances designed to protect biological resources.

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is Tulare County.

Local policies relating to impacts on biological resources have been summarized (see above). There are no impacts to sensitive species requiring mitigation measures, and, therefore, there are no conflicting policies. No cumulative impacts related to this checklist item will occur.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

There are no Project-related or cumulative impacts, and therefore no mitigation measures are required.

⁴³ Ibid.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Project Impact Analysis: *No Impact*

The proposed Project site is not subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan.

Cumulative Impact Analysis: *No Impact*

The geographic area of this cumulative analysis is California.

A summary of state, regional and local habitat conservation plans was included in the “Regulatory Setting” section, above.

There are not adopted Habitat Conservation Plans which relate to the project site. Therefore, there is no cumulative impact because the project Site is not subject to an HCP or other local, regional or state habitat conservation plan.

Mitigation Measures:

None Required.

Conclusion: *No Impact*

There are no Project-related or cumulative impacts, and therefore no mitigation measures are required.

DEFINITIONS AND ACRONYMS

Definitions

CEQA Guidelines Section 15380 provides definitions for the terms “species,” “endangered,” “threatened” and “rare”:

“Endangered, Rare or Threatened Species

(a) "Species" as used in this section means a species or subspecies of animal or plant or a variety of plant.

(b) A species of animal or plant is:

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(1) "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

(2) "Rare" when either:

(A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the Federal Endangered Species Act.

(c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

(1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or

(2) Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

(d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).

(e) This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by:

(1) The Director of Food and Agriculture with regard to economic pests; or

(2) The Director of Health Services with regard to health risks.”⁴⁴

Acronyms

| | |
|-----------|---|
| (DFW) | California Department of Fish and Wildlife |
| (DPR) | California Department of Parks and Recreation |
| (CDF) | California Department of Forestry and Fire Protection |
| (CSC) | DFW Species of Special Concern |
| (Cal/EPA) | California Environmental Protection Agency |
| (HCP) | Habitat Conservation Plan |
| (LOA) | Live Oaks Associates |
| (MBTA) | The Migratory Bird Treaty Act (Federal) |
| (NCCP) | Natural Communities Conservation Planning Act (DFW) |

⁴⁴ 2012 CEQA Guidelines, Section 15380

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| | |
|---------|------------------------------------|
| (NWP) | Nationwide Permit |
| (PSP) | Tulare County Special Use Permit |
| (SCE) | Candidate-Endangered Species (DFW) |
| (SCT) | Candidate-Threatened Species (DFW) |
| (USACE) | U.S. Army Corps of Engineers |
| (USFWS) | The U.S. Fish and Wildlife Service |

REFERENCES

2012 CEQA Guidelines

Hartesveldt, David and Gurule, Jeff, Live Oaks Associates, Inc., "Harvest Power Tulare Project: Biological Evaluation, Tulare County, California, November 2012

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U.S. Fish & Wildlife Service, Recovery Plan for Upland Species of the San Joaquin Valley, California, (1998)